

U.S.A. vs Aurelio De los Santos - Mendoza No. 07mja2693

The Court finds excludable delay, under the section indicated by check (  ), commenced on 12-13-07 and ended on 12-20-07; ( )  
( ) and ended on 12-20-07. ( )

3161(h)

(1) (A) Exam or hrg for **mental or physical incapacity**

(1) (B) **NARA examination** (28:2902)

(1) (D) State or Federal trials or **other charges pending**

(1) (E) **Interlocutory appeals**

(1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)

(1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)

(1) (J) **Proceedings under advisement** not to exceed thirty days

       Misc proc: Parole or prob rev, deportation, **extradition**

(1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less

(1) (I) Consideration by Court of **proposed plea agreement**

(2) **Prosecution deferred** by mutual agreement

(3) (A) (B) **Unavailability of defendant or essential witness**

(4) Period of **mental or physical incompetence** of defendant to stand trial

(5) Period of **NARA commitment or treatment**

(6) **Superseding indictment and/or new charges**

(7) **Defendant awaiting trial of co-defendant** when no severance has been granted

(8) (A) (B) **Continuances** granted per (h) (8) -use "T" alone if more than one of the reasons below are given in support of continuance

(8) (B) (I)

- 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.  
**(Continuance - miscarriage of justice)**
- 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.  
**(Continuance - tendered a guilty plea)**

(8) (B) (ii) 2) **Case unusual or complex**

(8) (B) (iii) 3) **Indictment following arrest cannot be filed** in thirty (30) days

(8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel or give reasonable time to prepare  
**(Continuance re counsel)**

3161(I) Time up to **withdrawal of guilty plea**

3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 12/19/07

DMS  
Judge's Initials